

Message Text

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E.O. 11652: GDS
TAGS: MARR, MASS, CH, TW
SUBJECT: WEAPONS SALES AND ROC REVISION OF ITS RULES OF
ENGAGEMENT IN THE STRAIT

REFS: (A) 77 TAIPEI 3735, (B) 77 TAIPEI 4392

1. FOR NEARLY A YEAR THE MILITARY SITUATION IN THE TAIWAN STRAIT HAS BEEN RELATIVELY QUIET. NEVERTHELESS, WITH PLANES AND SHIPS FROM THE ROC AND PRC FLEETS OPERATING DAILY IN THE SAME OR CONTIGUOUS SPACE, THERE IS A CONSTANT RISK THROUGH ERROR OR DESIGN OF A CLASH. THIS DANGER WILL BECOME GREATER WHEN, AS APPEARED TO BE THE CASE LAST SPRING, PRC SHIPS AND AIRCRAFT BEGIN TO OPERATE OUTSIDE PRC TERRITORIAL WATERS, CHALLENGING THE ROC VIEW OF MANY YEARS' STANDING THAT THE STRAIT IS AN AREA OF ENGAGEMENT UNDER ROC CONTROL.

2. IN ADDITION TO URGING MAXIMUM RESTRAINT ON THE ROC TO AVOID INCIDENTS, WE HAVE INFORMED THE ROC THAT THE USG REGARDS THE TAIWAN STRAIT AS AN INTERNATIONAL STRAIT AND THAT THE ROC'S INTEREST IN MAINTAINING PEACE AND STABILITY IN THE AREA WOULD BE BEST SERVED BY FAITHFUL OBSERVANCE OF THE CUSTOMARY INTERNATIONAL LAW ON THE ACTIVITIES OF ITS MILITARY AIRCRAFT AND VESSELS ON OR OVER THE HIGH SEAS. IN OUR APPROACH TO THE ROC
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ON JUNE 23, 1977 (REF A) THE AMBASSADOR TOLD FOREIGN MINISTER SHEN UNDER INSTRUCTION THAT WE HOPED THE ROC'S RULES OF ENGAGEMENT REFLECTED THIS OBSERVANCE. THE ROC'S RESPONSE (REF B) MADE CLEAR THAT THE ROC CONTINUED TO REGARD THE STRAIT AS "UNDER ITS CONTROL" AND AS "AN AREA OF ENGAGEMENT" AND NOT INTERNATIONAL WATERS, AT LEAST AS FAR AS PRC SHIPS AND AIRCRAFT ARE CONCERNED. THE ROC FURTHER OBSERVED THAT CONTINUED

PRC PROVOCATION COULD RESULT IN AN "UNPREDICTED INCIDENT" AND IN THAT CASE THE PRC WOULD BE RESPONSIBLE FOR ALL THE CONSEQUENCES.

3. WE MUST ASSUME THAT THE PRC WILL INCREASINGLY ASSERT THE RIGHT TO TRANSIT AND OPERATE IN THE STRAIT AND THEREFORE RECOMMEND THAT A FURTHER EFFORT BE MADE TO PERSUADE THE ROC TO MODIFY ITS POSITION OR AT LEAST TO REVISE ITS RULES OF ENGAGEMENT IN ORDER TO AVOID FUTURE INCIDENTS. UNDER SUCH RULES THE ROC WOULD UNDERTAKE TO OBSERVE CUSTOMARY INTERNATIONAL LAW ON THE ACTIVITIES OF SHIPS AND AIRCRAFT ON OR OVER THE HIGH SEAS, TAKING INTO ACCOUNT THE ROC'S SPECIAL REQUIREMENTS WITH REGARD TO THE OFF SHORE ISLANDS.

4. ONCE WASHINGTON DECISIONS HAVE BEEN REACHED ON THE PRESENTLY OUTSTANDING LIST OF ROC REQUESTS FOR ADVANCED AIR AND NAVAL WEAPON SYSTEMS, OUR APPROVALS COULD BE LINKED WITH A GENERAL ROC AGREEMENT TO ACT IN CONFORMITY WITH OUR VIEW OF THE INTERNATIONAL CHARACTER OF THE STRAIT.

5. FURTHERMORE, WE COULD ALSO REQUEST ROC AGREEMENT TO SOME SPECIFIC CHANGES IN RULES OF ENGAGEMENT WHEN THIS WOULD BE RELEVANT TO A SPECIFIC WEAPONS SYSTEM APPROVED. AS AN EXAMPLE OF THE LATTER, SPECIFIC APPROACH, WE SUGGEST THE FOLLOWING, SHOULD THE LIST OF APPROVALS INCLUDE THE HARPOON:

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(A) SHIPS EQUIPPED WITH HARPOON MUST REMAIN OUT OF RANGE OF PRC COAST.

(B) SHIPS EQUIPPED WITH HARPOON COULD APPROACH NO CLOSER THAN 20 NAUTICAL MILES TO ANY PRC SHIP.

(C) ROC COULD FIRE THE HARPOON ONLY IN THE EVENT OF PRC-INITIATED HOSTILITIES CLEARLY DIRECTED AGAINST TAIWAN AND THE PESCADORES. ANY OTHER USE WOULD REQUIRE PRIOR CONSULTATION WITH THE UNITED STATES.

IF THE ROC ACCEPTED THESE CONDITIONS, THEY WOULD PROBABLY KEEP THE HARPOON-EQUIPPED SHIPS EAST OF THE MID-LINE OF THE STRAIT WITHOUT OUR HAVING TO DRAW LINES FOR THEM. IF THEY REJECTED THE CONDITIONS, WE WOULD BE IN STRONGER POSITION TO EXPLAIN OUR DECISION NOT TO PROVIDE THE HARPOON WITH THE CONGRESS BECAUSE WE WOULD BE ABLE TO SAY THAT GIVEN ROC UNWILLINGNESS TO LIMIT USE OF HARPOON TO THE DEFENSE OF TAIWAN AND THE PESCADORES, WE COULD NOT PROVIDE THAT WEAPONS SYSTEM WITHOUT CREATING AN UNACCEPTABLE RISK OF A SERIOUS INCIDENT IN THE STRAIT.

6. AIRCRAFT, MISSILES AND OTHER WEAPONS SYSTEMS MIGHT LEND THEMSELVES TO SIMILAR LINKAGE. WHETHER SUCH SPECIFIC LINKAGES APPEAR DESIRABLE OR NOT, IT IS RECOMMENDED NEVERTHELESS THAT WE DEVISE A WAY TO USE OUR ANTICIPATED APPROVAL OF A PACKAGE FROM AMONG THE MANY OUTSTANDING REQUESTS TO SECURE GROC COMMITMENT AT LEAST IN GENERAL TERMS TO IMPOSING ON ITSELF A MORE ACCEPTABLE SET OF RULES FOR FUTURE MILITARY ACTIVITIES IN THE STRAIT (SEE PARA. 4 ABOVE).
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